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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

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11 LAMARR BROWN,
12 Petitioner
13 v.
14 KIM HOLLAND,
15 Respondent.

Case No. CV 15-5079-RSWL (GJS)

**ORDER ACCEPTING FINDINGS
AND RECOMMENDATIONS OF
UNITED STATES MAGISTRATE
JUDGE**

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17 Pursuant to 28 U.S.C. § 636, the Court has reviewed the First Amended Petition
18 and all pleadings, motions, and other documents filed in this action, Respondent's
19 Motion To Dismiss [Dkt. 28, "Motion"], Petitioner's Motion for a *Rhines* stay [Dkt.,
20 31, "Stay Motion"], the Report and Recommendation of United States Magistrate
21 Judge ("Report"), and Petitioner's Objections to the Report. Pursuant to 28 U.S.C. §
22 636(b)(1)(C) and Fed. R. Civ. P. 72(b), the Court has conducted a de novo review of
23 those portions of the Report to which objections have been stated.

24 Nothing in the Objections affects or alters the analysis and conclusions set forth
25 in the Report. Having completed its de novo review, the Court accepts the findings
26 and recommendations set forth in the Report. In the Objections (at p. 2 and in
27 appended Motion), Petitioner states that, should the Report be accepted, he elects
28 Option Two as set forth in the Report at p. 11, lines 1-3, namely, to dismiss both

1 Ground Three and the *Vargas* subclaim of Ground Four of the First Amended
2 Petition and to proceed with the remaining claims, *i.e.*, Grounds One, Two, and the
3 misinformation subclaim of Ground Four of the First Amended Petition.

4 Accordingly, **IT IS ORDERED** that:

- 5 (1) Respondent's Motion is GRANTED;
- 6 (2) Petitioner's Stay Motion is DENIED;
- 7 (3) Petitioner's request to exercise Option Two is GRANTED and the First
8 Amended Petition is deemed amended to delete Ground Three and the *Vargas*
9 subclaim of Ground Four;
- 10 (4) Within sixty days of this Order, Respondent shall file and serve an Answer
11 to the First Amended Petition as amended herein, namely, to Grounds One,
12 Two, and the misinformation subclaim of Ground Four, and lodge the
13 remaining portions of the state record; and
- 14 (5) Within sixty days of the filing of the Answer, Petitioner may file and serve a
15 Reply that responds to the matters and argument set forth in the Answer.

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17 **IT IS SO ORDERED.**

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19 DATE: 5/25/2017

s/ RONALD S.W. LEW

RONALD S.W. LEW
UNITED STATES DISTRICT JUDGE